

AMENDED IN SENATE APRIL 5, 2011

**SENATE BILL**

**No. 133**

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**Introduced by Senator Wolk**

January 27, 2011

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An act to amend Section 2715.5 of the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 133, as amended, Wolk. Natural resources: Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975, governs surface mining operations and reclamation of mined lands, and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. Until December 31, 2012, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented is required, until December 31, 2012, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations. Existing law provides that these provisions shall not become operative until the date the State Mining and Geology Board notifies the Secretary of State that the board has approved an ordinance adopted by the Board of Supervisors for the County of Yolo that governs in-channel noncommercial extraction activities carried out pursuant to the plan.

This bill would delete the requirement regarding the operative date. The bill would extend these provisions until December 31, ~~2026~~ 2017.

By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program. *The bill would require the annual report on the Cache Creek Area Plan that is prepared by the County of Yolo staff and submitted to the board of supervisors of the county in which the Cache Creek Resource Management Plan is implemented to also be submitted to the Assembly Natural Resources Committee and the Senate Natural Resources and Water Committee.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2715.5 of the Public Resources Code is
- 2 amended to read:
- 3 2715.5. (a) The Cache Creek Resource Management Plan, in
- 4 conjunction with a site specific plan deemed consistent by the lead
- 5 agency with the Cache Creek Resource Management Plan, until
- 6 December 31, ~~2026~~ 2017, shall be considered to be a functional
- 7 equivalent of a reclamation plan for the purposes of this chapter.
- 8 No other reclamation plan shall be required to be reviewed and
- 9 approved for any excavation project subject to the Cache Creek
- 10 Resource Management Plan that is conducted in conformance with
- 11 an approved site specific plan that is consistent with the Cache
- 12 Creek Resource Management Plan, and the standards specified in
- 13 that plan governing erosion control, channel stabilization, habitat
- 14 restoration, flood control, or infrastructure maintenance, if that
- 15 plan is reviewed and approved by a lead agency pursuant to this
- 16 chapter.
- 17 (b) For purposes of this section, the board of supervisors of the
- 18 county in which the Cache Creek Resource Management Plan is
- 19 to be implemented shall prepare and file the annual report required
- 20 to be prepared pursuant to Section 2207.

1 (c) Nothing in this section precludes an enforcement action by  
2 the board or the department brought pursuant to this chapter or  
3 Section 2207 if the lead agency or the director determines that a  
4 surface mining operator, acting under the authority of the Cache  
5 Creek Resource Management Plan, is not in compliance with the  
6 requirements of this chapter or Section 2207.

7 (d) “Site specific plan,” for the purposes of this section, means  
8 an individual project plan approved by the lead agency that is  
9 consistent with the Cache Creek Resource Management Plan. Site  
10 specific plans prepared in conformance with the Cache Creek  
11 Resource Management Plan shall, at a minimum, include the  
12 information required pursuant to subdivision (c) of Section 2772,  
13 shall comply with the requirements of Article 9 (commencing with  
14 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title  
15 14 of the California Code of Regulations, and shall be provided  
16 along with a financial assurance estimate to the department for  
17 review and comment pursuant to Section 2774. Notwithstanding  
18 the number of days authorized by paragraph (1) of subdivision (d)  
19 of Section 2774, the department shall review the site specific plan  
20 and the financial assurance estimate and prepare any written  
21 comments within 15 days from the date of receipt of the plan and  
22 the estimate.

23 (e) Prior to engaging in an excavation activity in conformance  
24 with the Cache Creek Resource Management Plan, a surface mining  
25 operation shall be required to obtain financial assurances that meet  
26 the requirements of Section 2773.1.

27 (f) This section shall remain in effect only until December 31,  
28 ~~2026~~ 2017, and as of that date is repealed, unless a later enacted  
29 statute that is enacted before December 31, ~~2026~~ 2017, deletes or  
30 extends that date.

31 *SEC. 2. (a) Until December 31, 2017, the annual report on*  
32 *the Cache Creek Area Plan that is prepared by the County of Yolo*  
33 *staff and submitted to the board of supervisors of the county in*  
34 *which the Cache Creek Resource Management Plan is*  
35 *implemented, as described in Section 2715.5 of the Public*  
36 *Resources Code, shall also be submitted to the Assembly Natural*  
37 *Resources Committee and the Senate Natural Resources and Water*  
38 *Committee.*

1     **(b)** *A report to be submitted pursuant to subdivision (a) shall*  
2     *be submitted in compliance with Section 9795 of the Government*  
3     *Code.*

4     ~~SEC. 2.~~

5     **SEC. 3.** No reimbursement is required by this act pursuant to  
6     Section 6 of Article XIII B of the California Constitution because  
7     a local agency or school district has the authority to levy service  
8     charges, fees, or assessments sufficient to pay for the program or  
9     level of service mandated by this act, within the meaning of Section  
10    17556 of the Government Code.